

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Alcorn, et al. )  
Serial. No. : 09/677,129 )  
Filed : September 29, 2000 )  
For : Improved Electronic Gaming )  
Apparatus )  
Art Unit : 3714 )  
Examiner : Mark Sager )

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TECHNOLOGY CENTER R3700

TRANSMITTAL OF TERMINAL DISCLAIMER

Commissioner for Patents  
Washington, D.C. 20231

Sir:

A terminal disclaimer and a certification under 37 C.F.R. 3.73(b) are submitted herewith. The large-entity fee of \$110 set forth in 37 C.F.R. §1.20(d) for the transmittal of the terminal disclaimer should be charged to our Deposit Account No. 13-2855. A duplicate copy of this paper is enclosed.

The terminal disclaimer submitted herewith is applicable to three patents and any reissue of any of those three patents. It is submitted that that is permissible. See, for example, Section 804.02 of the M.P.E.P.:<sup>1</sup>

A terminal disclaimer filed to obviate a double patenting rejection is effective only with respect to the application identified in the disclaimer, unless by its terms it extends to continuing applications. (underlining added)

The filing of the terminal disclaimer in the present application is not an admission that any claims of the present application would have been properly rejectable or invalid for

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<sup>1</sup> Page 800-32 of the M.P.E.P., original Eighth Edition dated August 2001.

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double patenting in view of the prior patents referred to in the terminal disclaimer. See, for example, Section 804.02 of the M.P.E.P., a portion of which is quoted forth below:

The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

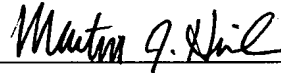
See also *Ortho Pharmaceutical Corp. v. Smith*, 22 U.S.P.Q.2d 1119 (Fed. Cir. 1992).

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

Date: April 28, 2003

By:



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